



RACIAL & IDENTITY PROFILING ACT

Agenda



PART I

RIPA- Overview and Purpose

RIPA Data- Challenges in Collecting and Interpreting ;
Application to Santa Monica

Data Analysis- What the numbers say about Santa Monica

The Connection between RIPA and Pretext Stops

PART II

Addressing Pretext Stops Through Legislation and Policy

SMPD's Work Addressing Racial Disparity—Focus on
Community Policing, Diversity, Equity and Inclusion

SB50 and LAPD's Policy Regarding Pretext Stops

Public Safety - What Our Community Expects from the Police
Department

Background - RIPA



In 2015, the State of California passed Assembly Bill No. 953 (AB 953), otherwise known as the Racial and Identity Profiling Act. AB 953, hereafter "RIPA." RIPA requires that law enforcement agencies in the state of California collect perceived demographic data from specified police contacts. The collection requirement of this statute was implemented in waves, with each wave having a staggered commencement date based on agency size.

California Code of Regulations (11 CCR § 999.224), RIPA stop data must be collected during police contacts matching either of the following criteria:

- (1) Any detention, as defined above in these regulations, by a peace officer of a person; or
- (2) Any peace officer interaction with a person in which the officer conducts a search, as defined in these regulations.

Purpose of RIPA



Over the past four years, the data collected under the Racial and Identity Profiling Act (“RIPA”) has provided empirical evidence showing disparities in policing throughout California. This year’s data demonstrates the same trends in disparities for all aspects of law enforcement stops, from the reason for stop to actions taken during stop to results of stop. Specifically, the 2023 Report analyzes the RIPA stop data from January 1, 2021 to December 31, 2021, collected and reported by 58 law enforcement agencies, including the 23 largest law enforcement agencies in California. The Report also explores the negative mental health impacts of adverse law enforcement interactions on individuals and communities and contains a new focus on youth interactions with law enforcement both inside and outside of school. Additionally, the report continues to examine the data and research on pretextual stops and consent searches.

Racial & Identity Profiling Act- Penal Code Sections 13012 and 13519.4, and Gov. Code 12525.5

I. REPORTING OFFICER	AGENCY ORI: CA0191800	OFFICER ID: 191800- _____	OFFICER'S YEARS OF EXPERIENCE (whole number only): _____
	OFFICER'S TYPE OF ASSIGNMENT: (Select One) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Patrol, traffic enforcement, field operations <input type="checkbox"/> Gang Enforcement <input type="checkbox"/> Compliance Check </div> <div style="width: 48%;"> <input type="checkbox"/> Roadblock or DUI sobriety checkpoint <input type="checkbox"/> Narcotics/Vice <input type="checkbox"/> Task Force </div> </div> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <input type="checkbox"/> Investigative/Detective <input type="checkbox"/> Other, specify: _____ </div>		
II. SETTING	DATE: MM/DD/YYYY) _____	TIME: (HH:MM LSE 24 hour clock) _____	DURATION OF STOP: (minutes) _____
	RESPONSE TO CALL FOR SERVICE? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	LOCATION: (Report as: Block number and street name; or closest intersection; or highway and closest highway ext. If none of these are applicable, please report a road marker, landmark, or other description. <i>Do not provide exact address of a residence</i>) _____ 		
III. OFFICER PERCEPTION OF PERSON STOPPED	CITY: (If City is not applicable because the stop occurred in unincorporated areas, report the County) _____		COUNTY: (Only required when City is not applicable) _____
	IF STOP OCCURRED AT A K-12 PUBLIC SCHOOL, REPORT SCHOOL NAME _____		IS PERSON STOPPED A STUDENT? (Only complete if stop is at a K-12 public school) <input type="checkbox"/> YES <input type="checkbox"/> NO
	PERCEIVED RACE OR ETHNICITY: (Select all that apply) <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Asian <input type="checkbox"/> Black/African American <input type="checkbox"/> Hispanic/Latino(a) </div> <div style="width: 30%;"> <input type="checkbox"/> Middle Eastern or South Asian <input type="checkbox"/> Native American </div> <div style="width: 30%;"> <input type="checkbox"/> Pacific Islander <input type="checkbox"/> White </div> </div>		
IV. REASON FOR STOP	PERCEIVED GENDER: (When applicable, you may select "Gender nonconforming" as the only value or in addition to one of the other values) <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender man/boy <input type="checkbox"/> Transgender woman/girl <input type="checkbox"/> Gender nonconforming		
	PERCEIVED TO BE LGBT? <input type="checkbox"/> YES <input type="checkbox"/> NO	PERCEIVED AGE: (approximate age; report as a whole number) _____	LIMITED OR NO ENGLISH FLUENCY? <input type="checkbox"/> YES <input type="checkbox"/> NO
	PERCEIVED OR KNOWN DISABILITY: (Select all that apply) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Deafness or difficulty hearing <input type="checkbox"/> Speech impairment or limited use of language <input type="checkbox"/> "Disability related to hyperactivity or impulse behavior" <input type="checkbox"/> Other disability </div> <div style="width: 48%;"> <input type="checkbox"/> Mental health condition <input type="checkbox"/> Intellectual or developmental disability, including dementia <input type="checkbox"/> Blind or limited vision <input type="checkbox"/> None </div> </div>		
	REASON FOR STOP: (Select the primary reason for stop) _____ Traffic Violation: (Specify type of traffic violation) <input type="checkbox"/> Moving <input type="checkbox"/> Equipment <input type="checkbox"/> Non-moving Code section related to violation: _____		
	Reasonable suspicion that the person was engaged in criminal activity: (Select all that apply to describe the basis of suspicion) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Officer witnessed commission of a crime <input type="checkbox"/> Witness or victim identification of suspect at the scene <input type="checkbox"/> Actions indicative of casing a victim or location <input type="checkbox"/> Actions indicative of a drug transaction <input type="checkbox"/> Other reasonable suspicion of a crime. If known, code for suspected violation: _____ </div> <div style="width: 48%;"> <input type="checkbox"/> Matched suspect description <input type="checkbox"/> Carrying suspicious object <input type="checkbox"/> Suspected of acting as a lookout <input type="checkbox"/> Actions indicative of engaging in a violent crime </div> </div>		
	<input type="checkbox"/> Known to be on parole/probation/PRCS/mandatory supervision <input type="checkbox"/> Knowledge of outstanding arrest warrant/wanted person <input type="checkbox"/> Investigation to determine whether the person is trout <input type="checkbox"/> Consensual encounter resulting in a search		
	*Possible conduct warranting discipline under Education Code (ED) 48900, et al Code Section: <input type="checkbox"/> 48900 <input type="checkbox"/> 48900.2 <input type="checkbox"/> 48900.3 <input type="checkbox"/> 48900.4 <input type="checkbox"/> 48900.7 <input type="checkbox"/> When 48900 is selected, specify the subdivision: _____ <input type="checkbox"/> *Determine whether the student violated school policy		
REASON FOR STOP- BRIEF DESCRIPTION: Provide a brief explanation. 250 characters maximum. This explanation should include beyond the general data values selected above. Do not include any personally identifying information of the person stopped or unique identifying information of any officer in this description) _____ _____			

DATE/TIME:		SANTA MONICA PD RIPA DATA NO PERSONAL IDENTIFYING INFO		CALL FOR SERVICE: Y / N STOP DURATION:	
LOCATION OF STOP:				STUDENT: Y / N SCHOOL:	
PERCEIVED RACE/ETHNICITY: <input type="checkbox"/> ASIAN <input type="checkbox"/> BLACK/AFRICAN AMERICAN <input type="checkbox"/> HISPANIC/LATINO <input type="checkbox"/> MIDDLE EASTERN/SOUTH ASIAN <input type="checkbox"/> NATIVE AMERICAN <input type="checkbox"/> PACIFIC ISLANDER <input type="checkbox"/> WHITE					
PERCEIVED GENDER: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> TRANSGENDER MAN/BOY <input type="checkbox"/> TRANSGENDER WOMAN/GIRL <input type="checkbox"/> GENDER NON-CONFORMING					
PERCEIVED LGBT: Y / N		PERCEIVED AGE:		FLUENT IN ENGLISH: Y / N	
SUBJECT'S ZIP CODE:			HOMELESS: Y / N		
PERCEIVED/KNOWN DISABILITY: <input type="checkbox"/> NONE <input type="checkbox"/> DEAFNESS OR DIFFICULTY HEARING <input type="checkbox"/> SPEECH IMPAIRMENT <input type="checkbox"/> BLIND/LIMITED VISION <input type="checkbox"/> MENTAL HEALTH CONDITION <input type="checkbox"/> INTELLECTUAL OR DEVELOPMENTAL DISABILITY					
OTHER DISABILITY:					
REASON FOR STOP/DETENTION/SEARCH:					
ACTION TAKEN:					

[illegible]

Santa Monica Police Department
Santa Monica Police Department Policy Manual

401.1 PURPOSE AND SCOPE

This policy provides guidance to Department members that affirms the Santa Monica Police Department's commitment to Constitutional policing that is fair, objective, and fosters mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities, while at the same time emphasizing an understanding and respect for racial, identity, and cultural differences (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

The Santa Monica Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this Department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a sworn officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):



RIPA Stop Data Collection Form



Print

Reset

Save Form

STOP DATA COLLECTION FORM

Racial & Identity Profiling Act – Penal Code Sections 13012 and 13519, and Gov. Code 12525.5

PLEASE NOTE:

- The data collected on this form must be electronically submitted to the California Department of Justice (DOJ), Stop Data Collection System by entry into the Web Application or submission by Web Services or Secure File Transfer.
- Please contact your agency's local administrator for instructions on processing this record for submission to the DOJ. If needed, the DOJ can be reached at (916) 210-3305 or StopDataSupport@doj.ca.gov.
- If multiple persons are related to one stop, complete a separate form (sections III–IX) for each person and report as one incident.
- If the stop involves a student at a K–12 public school, then some fields may have additional options available for reporting. These items are noted with an asterisk (*), and shown in *red italics*.

I. REPORTING OFFICER	AGENCY ORI:	OFFICER ID:	OFFICER'S YEARS OF EXPERIENCE:
	OFFICER'S TYPE OF ASSIGNMENT: (Select one)		
	<input type="checkbox"/> Patrol, traffic enforcement, field operations	<input type="checkbox"/> Roadblock or DUI sobriety checkpoint	<input type="checkbox"/> Investigative/detective
	<input type="checkbox"/> Gang enforcement	<input type="checkbox"/> Narcotics/Vice	<input type="checkbox"/> Other
	<input type="checkbox"/> Compliance Check	<input type="checkbox"/> Task Force	If other, specify: <input type="text"/>
	<input type="checkbox"/> Special Events	<input type="checkbox"/> K–12 Public school	
II. SETTING	DATE: (MM/DD/YYYY)	TIME: (HH:MM use 24 hr clock)	DURATION OF STOP: (minutes)
	RESPONSE TO CALL FOR SERVICE? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	LOCATION: (Report as: Block number and street name; or closest intersection; or highway and closest highway exit. If none of these are applicable, please report a road marker, landmark, or other description. Do not provide the exact address of a residence)		
	CITY: (If City is not applicable because stop occurred in unincorporated area, report the County) COUNTY: (Only required when City is not applicable)		
III. OFFICER PERCEPTION OF PERSON STOPPED	IF STOP OCCURRED AT A K–12 PUBLIC SCHOOL, REPORT SCHOOL NAME:		
	IS PERSON STOPPED A STUDENT? * (Only complete if stop is at a K–12 public school) <input type="checkbox"/> Yes <input type="checkbox"/> No		
	PERCEIVED RACE OR ETHNICITY: (Select all that apply)		
	<input type="checkbox"/> Asian	<input type="checkbox"/> Middle Eastern or South Asian	<input type="checkbox"/> Pacific Islander
	<input type="checkbox"/> Black/African American	<input type="checkbox"/> Native American	<input type="checkbox"/> White
	<input type="checkbox"/> Hispanic/Latino(a)		
PERCEIVED GENDER: (When applicable, you may select "Gender nonconforming" as the only value or in addition to one of the other values) <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender man/boy <input type="checkbox"/> Transgender woman/girl <input type="checkbox"/> Gender nonconforming			
PERCEIVED TO BE LGBT? <input type="checkbox"/> Yes <input type="checkbox"/> No			
PERCEIVED AGE: (approximate age; report as a whole number)			
LIMITED OR NO ENGLISH FLUENCY? <input type="checkbox"/> Yes <input type="checkbox"/> No			
PERCEIVED OR KNOWN DISABILITY: (Select all that apply)			
<input type="checkbox"/> Deafness or difficulty hearing			
<input type="checkbox"/> Mental health condition			
<input type="checkbox"/> None			
<input type="checkbox"/> Speech impairment or limited use of language			
<input type="checkbox"/> Intellectual or developmental disability, including dementia			
<input type="checkbox"/> * Disability related to hyperactivity or impulsive behavior			
<input type="checkbox"/> Blind or limited vision			
<input type="checkbox"/> Other disability			



STOP DATA COLLECTION FORM

Racial & Identity Profiling Act – Penal Code Sections 13012 and 13519, and Gov. Code 12525.5

REASON FOR STOP: (Select the primary reason for stop)

☐ Traffic Violation: (Specify type of traffic violation) ☐ Moving ☐ Equipment ☐ Non-moving

Code section related to violation:

☐ Reasonable suspicion that the person was engaged in criminal activity

Select all that apply to describe the basis of suspicion:

- ☐ Officer witnessed commission of a crime
- ☐ Matched suspect description
- ☐ Witness or victim identification of suspect at the scene
- ☐ Carrying suspicious object
- ☐ Actions indicative of casing a victim or location
- ☐ Suspected of acting as a lookout
- ☐ Actions indicative of a drug transaction
- ☐ Actions indicative of engaging in a violent crime
- ☐ Other reasonable suspicion of a crime

If known, Code for suspected violation:

☐ Known to be on parole/probation/PRCS/mandatory supervision

☐ Knowledge of outstanding arrest warrant/wanted person

☐ Investigation to determine whether the person is truant

☐ Consensual encounter resulting in a search

☐ * Possible conduct warranting discipline under Education Code (EC) 48900, et al

Code Section: ☐ 48900 ☐ 48900.2 ☐ 48900.3 ☐ 48900.4 ☐ 48900.7

When EC 48900 is selected, specify the subdivision:

☐ * Determine whether the student violated school policy

REASON FOR STOP – BRIEF DESCRIPTION: (Provide a brief explanation, 250 character maximum. This explanation should include detail beyond the general data values selected above. Do not include any personally identifying information of the person stopped or unique identifying information of any officer in this description)



STOP DATA COLLECTION FORM
Racial & Identity Profiling Act – Penal Code Sections 13012 and 13519, and Gov. Code 12525.5

V. ACTIONS TAKEN	ACTIONS TAKEN: (Select all that apply)
	<div><input type="checkbox"/> Person removed from vehicle by order</div> <div><input type="checkbox"/> Person removed from vehicle by physical contact</div> <div><input type="checkbox"/> Field sobriety test conducted</div> <div><input type="checkbox"/> Curbside detention</div> <div><input type="checkbox"/> Handcuffed or flex cuffed</div> <div><input type="checkbox"/> Patrol car detention</div> <div><input type="checkbox"/> Canine removed from vehicle or used to search</div> <div><input type="checkbox"/> Firearm pointed at person</div> <div><input type="checkbox"/> Firearm discharged or used</div> <div><input type="checkbox"/> Electronic control device used</div> <div><input type="checkbox"/> Impact projectile discharged or used (e.g., blunt impact projectile, rubber bullets, or bean bags)</div> <div><input type="checkbox"/> Canine bit or held person</div> <div><input type="checkbox"/> Baton or other impact weapon used</div> <div><input type="checkbox"/> Chemical spray used (e.g., pepper spray, mace, tear gas, or other chemical irritants)</div> <div><input type="checkbox"/> Other physical or vehicle contact</div> <div><input type="checkbox"/> Person photographed</div> <div><input type="checkbox"/> Asked for consent to search person Specify if consent was given: <input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Search of person was conducted **Complete BASIS FOR SEARCH</div> <div><input type="checkbox"/> Asked for consent to search property Specify if consent was given: <input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Search of property was conducted **Complete BASIS FOR SEARCH</div> <div><input type="checkbox"/> Property was seized **Complete PROPERTY SEIZURE</div> <div><input type="checkbox"/> Vehicle impounded</div> <div><input type="checkbox"/> *Admission or written statement obtained from student</div> <div><input type="checkbox"/> None</div>
	BASIS FOR SEARCH: (Only applicable when the Actions Taken include "Search of person was conducted" and/or "Search of property was conducted." Select all that apply)

V. ACTIONS TAKEN	<div><input type="checkbox"/> Consent given</div> <div><input type="checkbox"/> Officer safety/safety of others</div> <div><input type="checkbox"/> Search warrant</div> <div><input type="checkbox"/> Condition of parole/probation/PRCS/mandatory supervision</div> <div><input type="checkbox"/> Suspected weapons</div> <div><input type="checkbox"/> Visible contraband</div> <div><input type="checkbox"/> Odor of contraband</div> <div><input type="checkbox"/> Canine detection</div> <div><input type="checkbox"/> Evidence of crime</div> <div><input type="checkbox"/> Incident to arrest</div> <div><input type="checkbox"/> Exigent circumstances/emergency</div> <div><input type="checkbox"/> Vehicle inventory (for search of property only)</div> <div><input type="checkbox"/> *Suspected violation of school policy</div>
	BASIS FOR SEARCH – BRIEF DESCRIPTION: (Provide a brief explanation, 250 character maximum. This explanation should include detail beyond the general data values selected above. Do not include any personally identifying information of the person stopped or unique identifying information of any officer in this description. When the Basis for Search is "Condition of parole/probation/PRCS/mandatory supervision," this description is not required)



STOP DATA COLLECTION FORM
Racial & Identity Profiling Act – Penal Code Sections 13012 and 13519, and Gov. Code 12525.5

VII. PROPERTY SEIZURE	BASIS FOR PROPERTY SEIZURE: (Only applicable when the Actions Taken include "Property was seized")	TYPE OF PROPERTY SEIZURE: (Only applicable when the Actions Taken include "Property was seized")
	Select all that apply: <div><input type="checkbox"/> Safekeeping as allowed by law/statute</div> <div><input type="checkbox"/> Contraband</div> <div><input type="checkbox"/> Evidence</div> <div><input type="checkbox"/> Impound of vehicle</div> <div><input type="checkbox"/> Abandoned property</div> <div><input type="checkbox"/> *Suspected violation of school property</div>	Select all that apply: <div><div><input type="checkbox"/> Firearm(s)</div><div><input type="checkbox"/> Ammunition</div><div><input type="checkbox"/> Weapon(s) other than firearm</div><div><input type="checkbox"/> Drugs/narcotics</div><div><input type="checkbox"/> Alcohol</div><div><input type="checkbox"/> Money</div></div> <div><input type="checkbox"/> Drug paraphernalia</div> <div><input type="checkbox"/> Suspected stolen property</div> <div><input type="checkbox"/> Cell phone(s) or electronic device(s)</div> <div><input type="checkbox"/> Vehicle</div> <div><input type="checkbox"/> Other contraband or evidence</div>
VIII. CONTRABAND / EVIDENCE	CONTRABAND/EVIDENCE DISCOVERED (IF ANY): (Include any items discovered in plain view or as the result of a search)	
	Select all that apply: <div><div><input type="checkbox"/> None</div><div><input type="checkbox"/> Firearm(s)</div><div><input type="checkbox"/> Ammunition</div><div><input type="checkbox"/> Weapon(s) other than firearm</div></div> <div><input type="checkbox"/> Drugs/narcotics</div> <div><input type="checkbox"/> Alcohol</div> <div><input type="checkbox"/> Money</div> <div><input type="checkbox"/> Drug Paraphernalia</div> <div><input type="checkbox"/> Suspected stolen property</div> <div><input type="checkbox"/> Cell phone(s) or electronic devices(s)</div> <div><input type="checkbox"/> Other contraband or evidence</div>	
IX. RESULT OF STOP	RESULT OF STOP:	
	Select all that apply: <div><input type="checkbox"/> No action</div> <div><input type="checkbox"/> Warning (verbal or written) Code section(s) related to warning: _____</div> <div><input type="checkbox"/> Citation for infraction (For local ordinances only)</div> <div><input type="checkbox"/> In-field Cite and Release Code section(s) related to cite and release: _____</div> <div><input type="checkbox"/> Custodial arrest pursuant to outstanding warrant</div> <div><input type="checkbox"/> Custodial arrest without warrant Code section(s) related to arrest: _____</div> <div><input type="checkbox"/> Field interview card completed</div> <div><input type="checkbox"/> Noncriminal transport or caretaking transport (including transport by officer, ambulance, or another agency)</div> <div><input type="checkbox"/> Contacted parent/legal guardian or other person responsible for the minor</div> <div><input type="checkbox"/> Psychiatric hold (Welfare & Institutions Code sections 5150 and/or 5685.20)</div> <div><input type="checkbox"/> Referred to U.S. Department of Homeland Security (e.g., Immigration and Customs Enforcement, Customs and Border Protection)</div> <div><input type="checkbox"/> *Referral to school administrator</div> <div><input type="checkbox"/> *Referral to school counselor or other support staff</div>	

No Easy Conclusions



Virtually every stop is unique. This graph shows how just using race on one axis and the result of a stop (with multiple subcategories) creates a multitude of individual scenarios that are as unique as the people who are being stopped.

Dr Ethnicity

on or Infraction

dial Arrest without warrant

dial Arrest without warrant || Custodial Arrest pursuant to
warrant/wanted

Interview card completed

Id cite and release

tion

iatric hold

ing (verbal or written)

in American Citation or Infraction

in American Citation or Infraction ||| Contacted parent/legal
other person responsible for the minor

in American Citation or Infraction ||| Custodial Arrest without
warrant

in American Citation or Infraction ||| Warning (verbal or written)

in American Contacted parent/legal guardian or other person
for the minor

in American Contacted parent/legal guardian or other person
for the minor ||| Citation or Infraction

in American Contacted parent/legal guardian or other person
for the minor ||| Warning (verbal or written)

in American Custodial Arrest pursuant to outstanding
warrant

in American Custodial Arrest pursuant to outstanding
warrant ||| Custodial Arrest without warrant

in American Custodial Arrest without warrant

in American Custodial Arrest without warrant ||| Citation or
Infraction

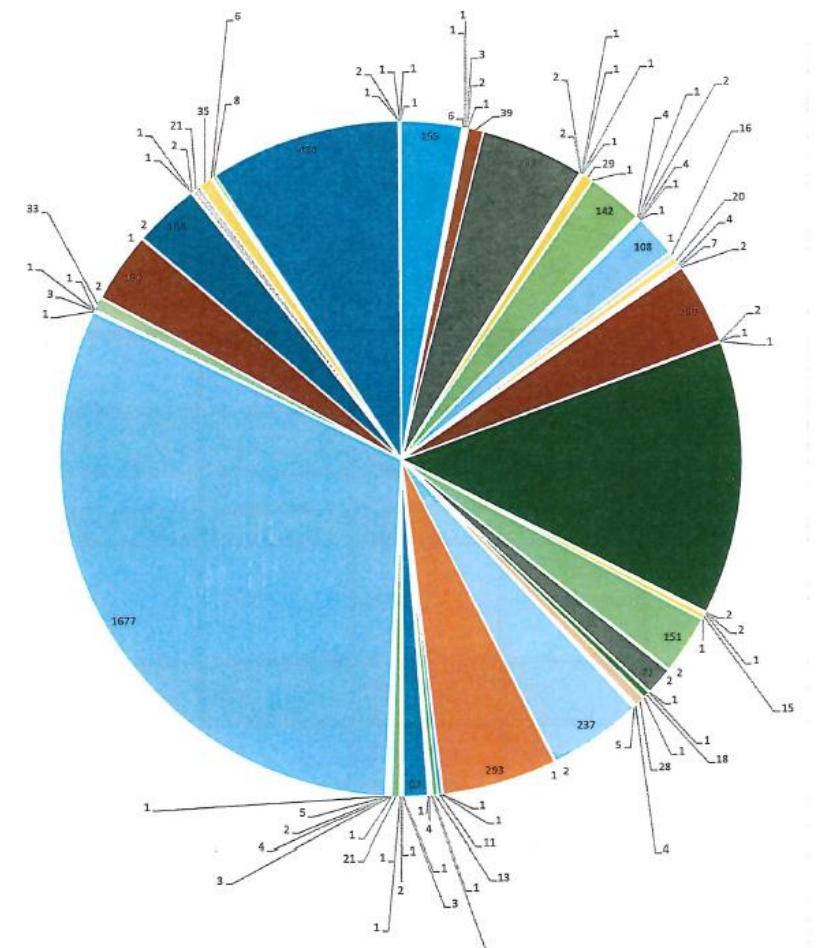
in American Custodial Arrest without warrant ||| Citation or
Infraction ||| Custodial Arrest pursuant to outstanding warrant/wanted

in American Custodial Arrest without warrant ||| Contacted
parent/legal guardian or other person responsible for the minor

in American Custodial Arrest without warrant ||| Custodial Arrest
pursuant to outstanding warrant/wanted

in American Custodial Arrest without warrant ||| Field Interview card
completed

in American Custodial Arrest without warrant ||| Psychiatric hold





Policy 401

Bias-Based Policing

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to Department members that affirms the Santa Monica Police Department's commitment to Constitutional policing that is fair, objective, and fosters mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities, while at the same time emphasizing an understanding and respect for racial, identity, and cultural differences (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

The Santa Monica Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this Department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a sworn officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

Bias-Based Policing

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.4 MEMBER RESPONSIBILITIES

Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting in accordance with existing law.

401.4.2 RACIAL AND IDENTITY PROFILING ACT (RIPA) REQUIREMENTS

An officer shall complete a RIPA report for specific types of stops and searches as defined in 11 CCR 999.227. A RIPA report shall be completed for any detention or search of a person or property in their possession or control, including pat-down and consensual searches. Data collected must at a minimum include the data elements required by 11 CCR 999.226, but shall not include personal identifying information of the persons stopped, such as name, address, social security number or any other unique personal identifying information. Data collected by officers will be sent to the California Department of Justice (DOJ) on an annual basis via the Department's RIPA reporting system.

When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the RIPA report (11 CCR 999.227). If multiple agencies are involved in a stop and the Santa Monica Police Department is the primary agency, the Santa Monica Police Department officer shall collect the data elements and prepare the RIPA report (11 CCR 999.227).

Officers shall complete and submit all RIPA reports by the end of their shift unless exigent circumstances preclude doing so (11 CCR 999.227). In such circumstances, the officer must notify a supervisor, and complete the report as soon as practicable.

The data collected for the RIPA report shall not be used for disciplinary purposes or for use in performance evaluations. However, failing to document a stop as required by this policy may result in disciplinary action.

Bias-Based Policing

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any concerns with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall periodically review MAV recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Supervisors shall document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing shall be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this Department who discloses information concerning bias-based policing.
- (e) Supervisors shall review RIPA reports for officers assigned to their shift and address any entries that are improperly filled out or missing.
 - (a) Supervisors shall ensure that officers complete all RIPA reports that were improperly filled out or missing as soon as practicable.

401.6 ADMINISTRATION

Each year, the Deputy Chief of Police shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards Unit.

- (a) All sworn members of this Department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

Bias-Based Policing

- (b) Pending participation in such POST-approved training and at all times, all members of this Department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this Department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Unit supervisor or his/her designee, shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the DOJ as required for reporting (Penal Code § 13012; Penal Code § 13020).

Supervisors should ensure that the RIPA reports for officers assigned to their shift are properly completed and submitted to the Department's approved RIPA data collection system (LEFTA) for required annual reporting to the DOJ (Government Code § 12525.5).

In accordance with Government Code § 12525.5, the Custodian of Records shall ensure that the RIPA data gathered is sent to the DOJ via the Department's web-based application on an annual basis, unless otherwise determined by the Chief of Police or their designee. All RIPA data collected is public record and open to public inspection. No identifying information about the peace officer collecting the data or person being stopped shall be publicly disclosed, unless otherwise required by law or court order.

Data Collection & Integration Challenges



Because the interactions are complex, the number of choices under each data point creates a huge number of possible outcomes. This makes it difficult to compare one stop to another.

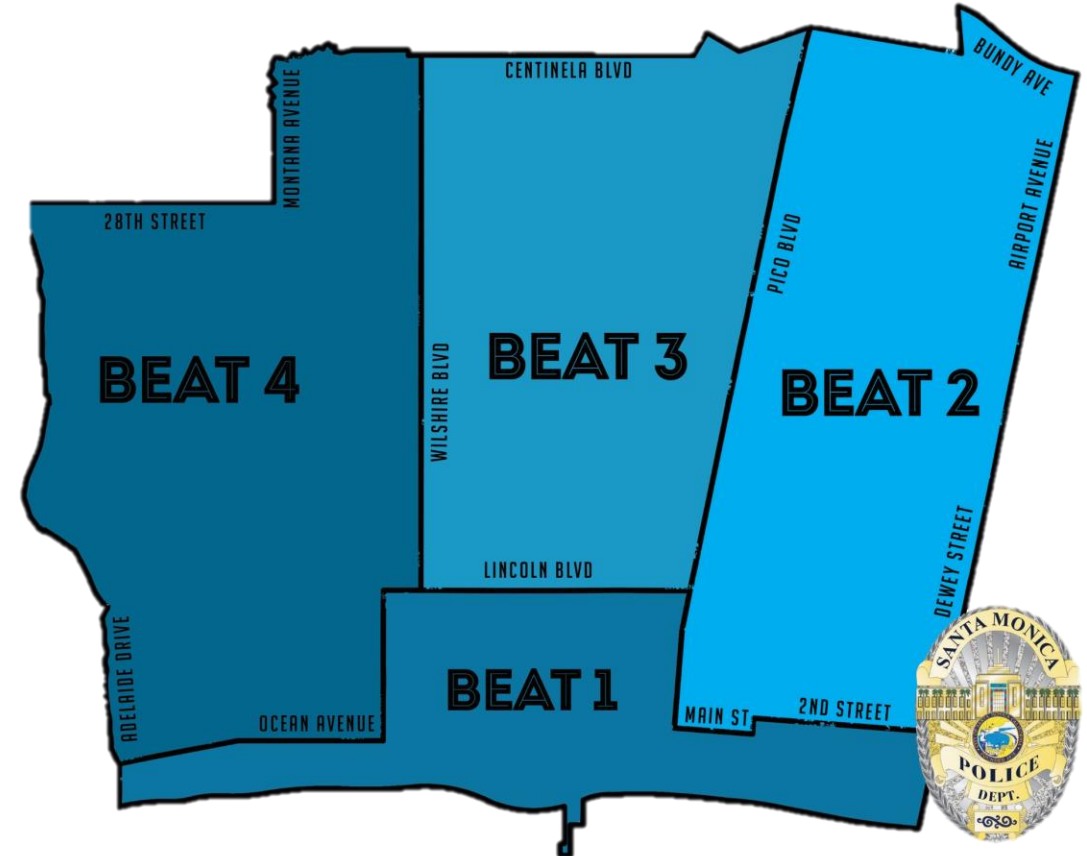
The officers may only record their perceptions of the people they are stopping. They are not allowed, for purposes of the RIPA form, to ask someone any verification questions about their race, ethnicity, age, etc:

- Perceived Race or Ethnicity of Person Stopped
 - Perceived Gender of Person Stopped
 - Person Stopped Perceived to be LGBT
 - Perceived Age of Person Stopped
 - Person Stopped Has Limited or No English Fluency
 - Perceived or Known Disability of Person Stopped
-

Importance of Demographics



Race/ Ethnicity	% of total stops	% Santa Monica Population	% State Population	% LA County Population	% LA County Homeless Population- SPA 5
White	49.1	58.2	35.2	25.3	39
Hispanic/ Latino	23.3	20.7	40.2	49.1	23
Black/African American	15.4	4.3	6.5	9	30
Middle Eastern/ South Asian	7.3	Not Calculated	Not Calculated	Not Calculated	Not Calculated
Asian	3.8	8.1	15.9	15.6	2
Pacific Islander	0.7	0	0.5	0.4	0
Native American	0.15	0.2	1.7	1.5	2
Mixed Race	0.13	7.9	Not Calculated	Not Calculated	Not Calculated





Violent Crime in Santa Monica

In their 2020 report, the state RIPA Advisory Board issued an analysis that used several benchmarking techniques to identify sources of bias in police stops. One of those techniques was a recommendation that police agencies examine the role of local violent crime in analyzing racial disparities in police contacts.



Part 1 Violent Crimes in 2022

679

2022 Total Part I Crime
VIOLENT CRIMES ONLY
(does not include property crimes)

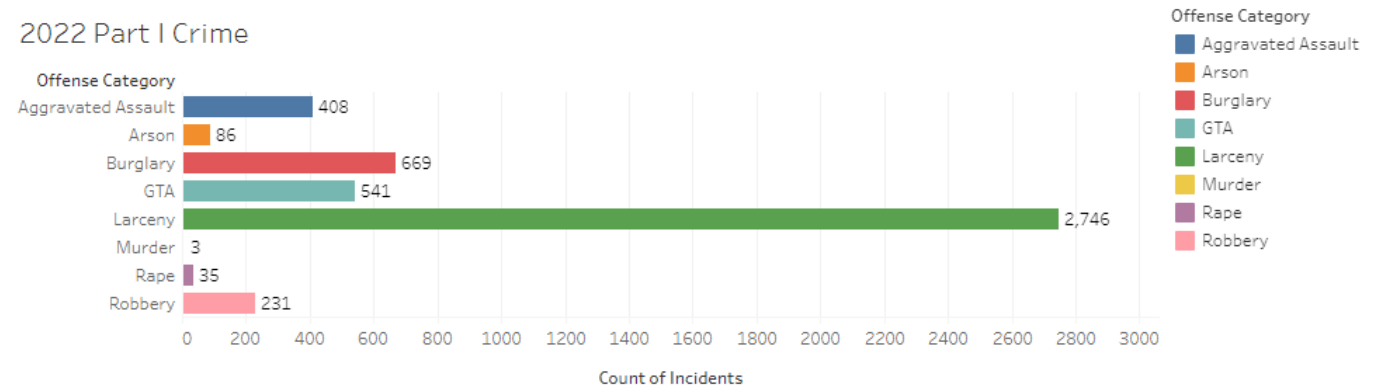
333

Suspects Arrested

Violent Crimes by Category (based on UCR guidelines; first charge):

- Murder: 3 incidents (3 suspects arrested)
- Rape: 35 incidents (5 suspects arrested)
- Robbery: 231 incidents (120 suspects arrested)
- Aggravated Assault: 410 incidents (205 suspects arrested)

2022 Part I Crime



Suspect Descriptions



	# of ARRESTS	
African American	126	38%
White	97	29%
Hispanic	87	26%
Other	20	6%
Asian	3	1%
Not Categorized	1	0%

333

Suspects Arrested



Arrests in Santa Monica

Arrests



2022 Total Arrests (2439 arrests part I and part II crimes) –Race

	# of ARRESTS	
White	860	35%
Hispanic	724	30%
African American	714	29%
Other	111	5%
Asian	26	1%
Not Categorized	4	0%

2,439

2022 Total Arrests

2022 Total Arrests – Homeless Status

	# of ARRESTS	
Homeless	1,633	67%
Non-Homeless	806	33%

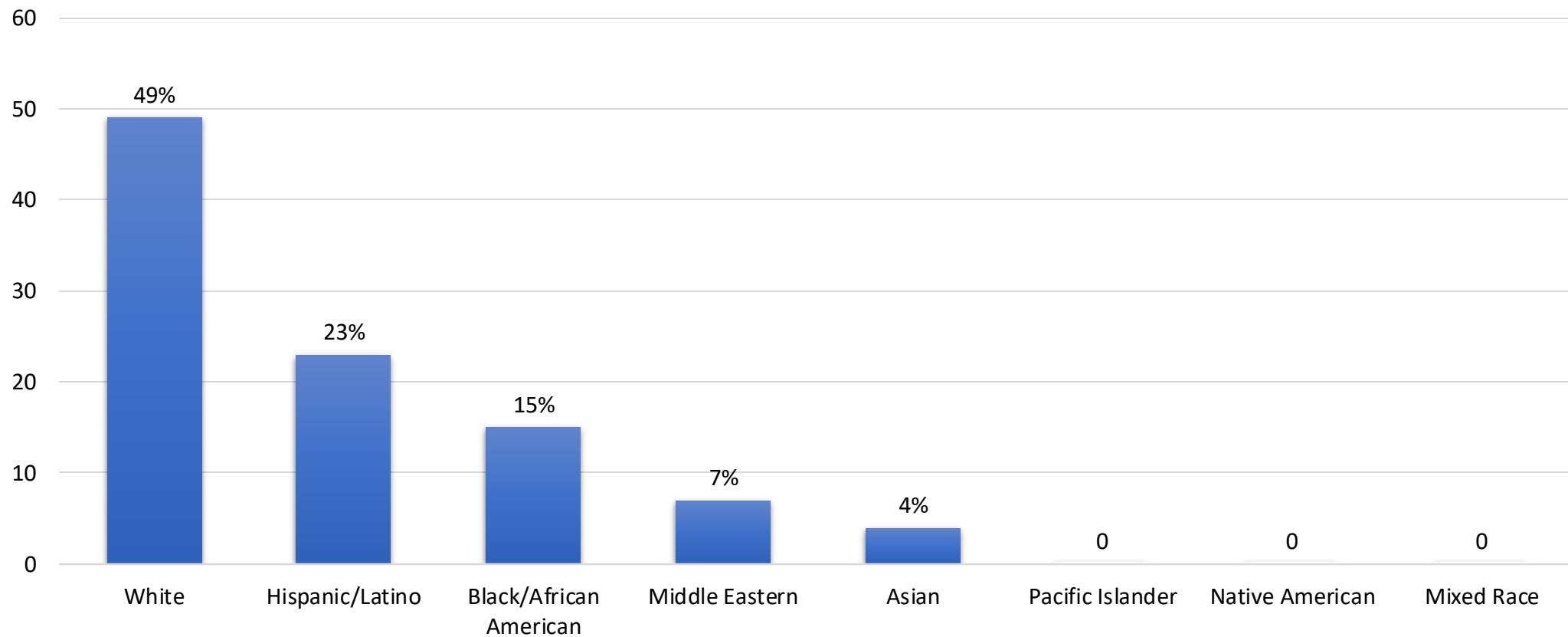


Santa Monica's 2022 RIPA Demographic DATA

Perceived Race



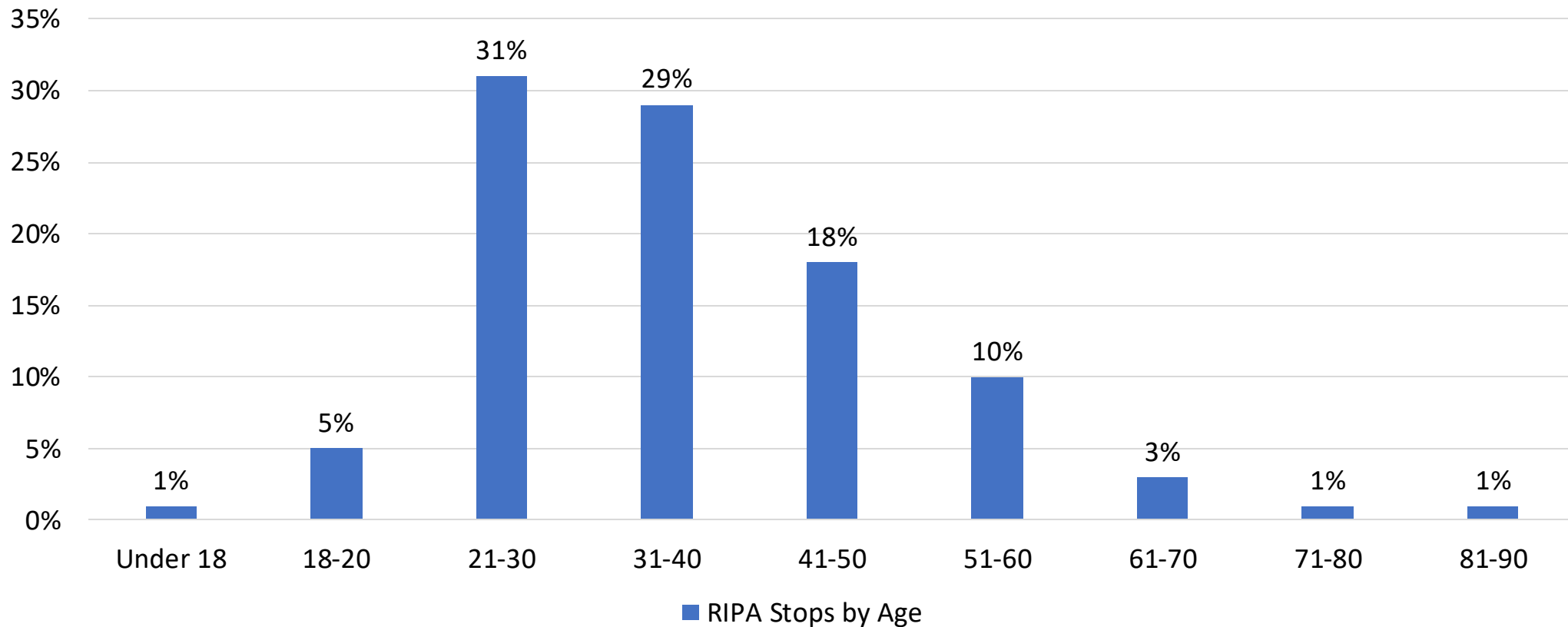
Percentage RIPA Stops by Perceived Race



Perceived Age



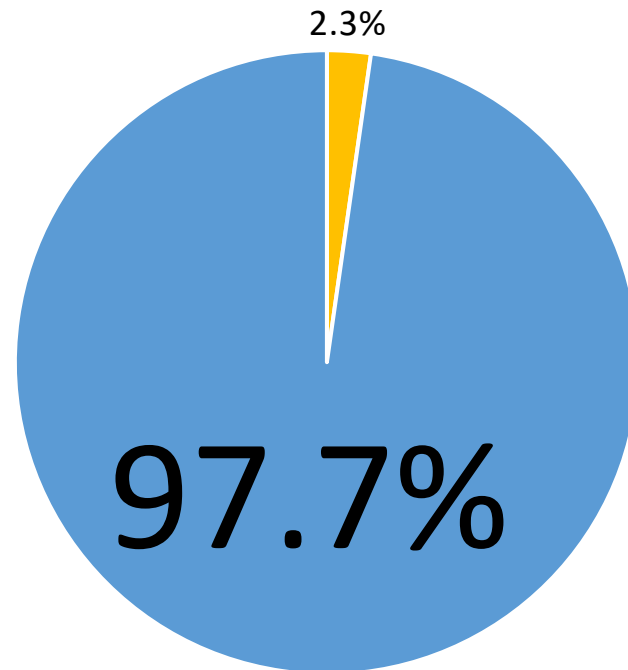
Percent of RIPA Stops by Age



Perceived Disability



Stop by Perceived Disability

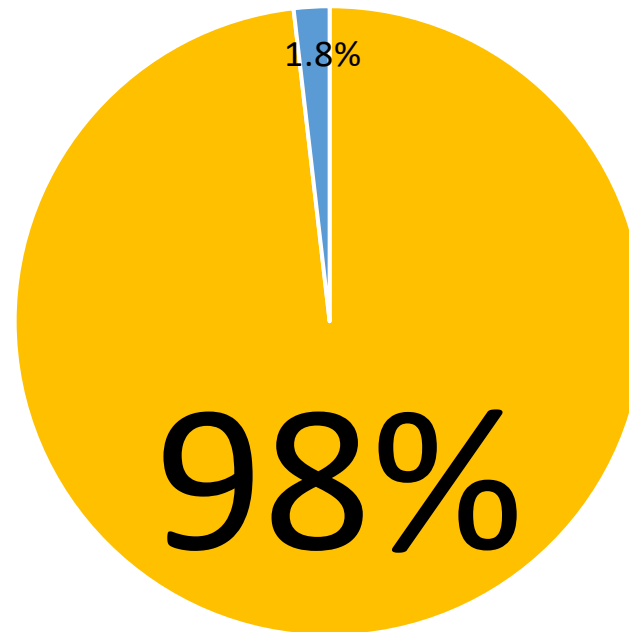


■ Disabled - 2.3% ■ Not Disabled - 97.7%

Perceived Fluency



English Fluency



■ Fluent in English - 98.2%

■ Limited Fluency in English - 1.8%



Santa Monica's 2022 RIPA STOP DATA

Reason for Stop



Reason for Stop



- Traffic- Moving Violation-47%
- Reasonable Suspicion - 26%
- Traffic - Non-Moving- 19%
- Equipment Violation - 6%
- Consensual Encounter Resulting in Search - <1%



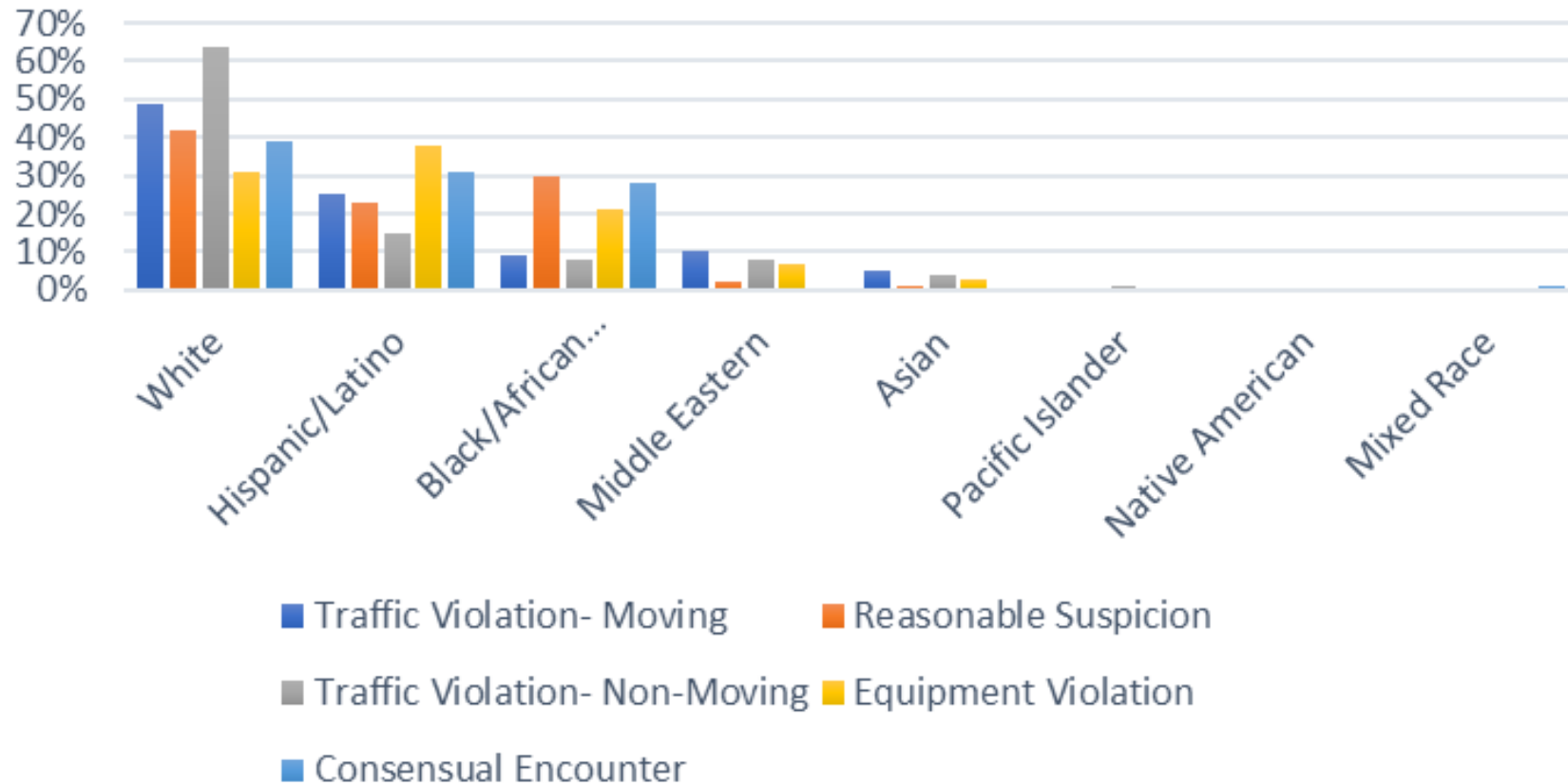
Reason for Stop - Perceived Race

Perceived Race	Traffic Violation-Moving	Reasonable Suspicion	Traffic Violation-Non-Moving	Equipment Violation	Consensual Encounter
White	49%	42%	64%	31%	39%
Hispanic/ Latino	25%	23%	15%	38%	31%
Black/African American	9%	30%	8%	21%	28%
Middle Eastern	10%	2%	8%	7%	0
Asian	5%	1%	4%	3%	0
Pacific Islander	0%	0%	1%	0	0
Native American	0%	0%	0	0	0
Mixed Race	0%	0%	0	0	1%



Probability of Stop - Perceived Race

Probability of Stop Reason by Race



Reason for Stop - Perceived Gender



	% Female	% Gender Non-conforming	% Male	% Transgender man/boy	% Transgender woman/girl
Consensual Encounter	1	0	1	0	0
Truancy Investigation	1	0	1	0	0
Knowledge of outstanding arrest warrant/wanted person	1	0	1	0	0
Reasonable Suspicion	4	1	22	1	1
Traffic Violation	27	1	46	1	1
Known to be on Parole / Probation / PRCS / Mandatory Supervision	0	1	1	0	0

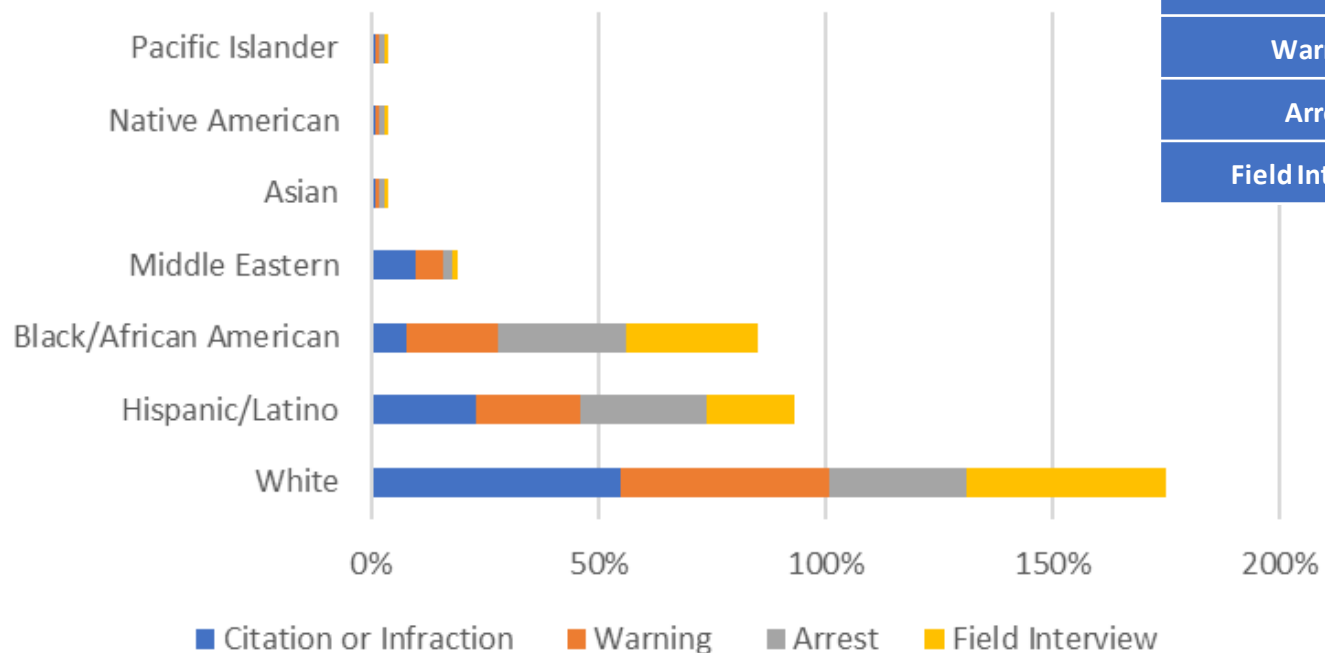


Santa Monica's 2022 RIPA STOP Results



Stop Results by Perceived Race

Stop Results By Perceived Race



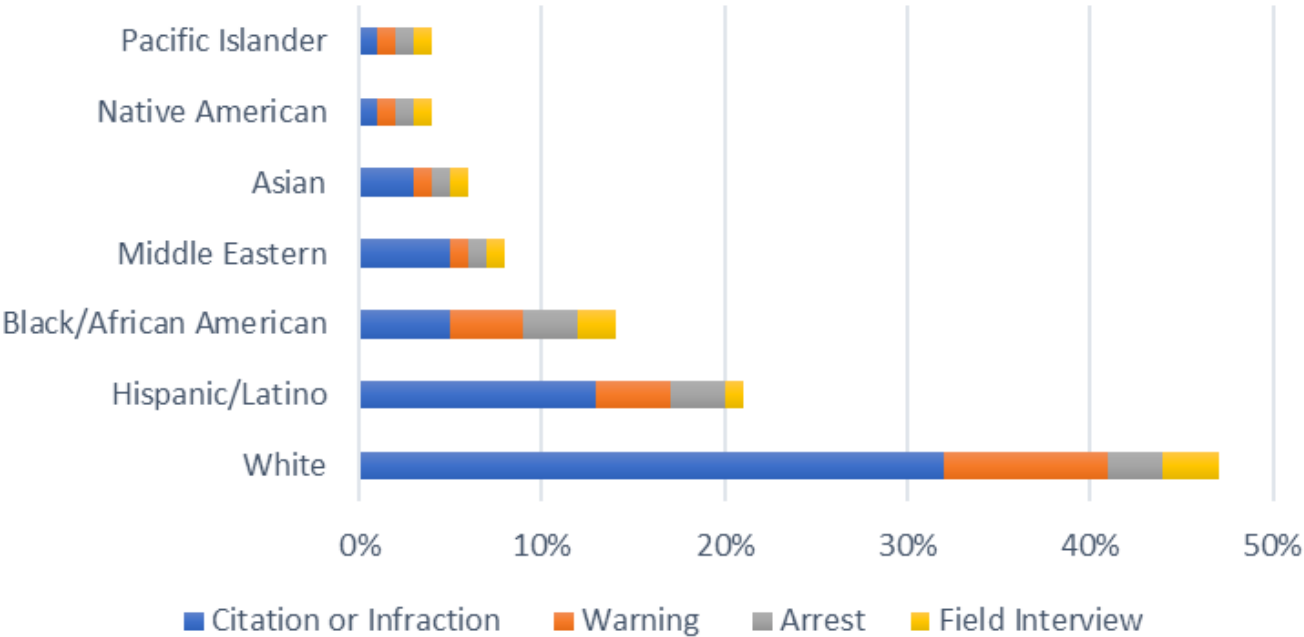
Stop Result	White	Hispanic/Latino	Black/African American	Middle Eastern	Asian	Native American	Pacific Islander
Citation or Infraction	55%	23%	8%	10%	1%	1%	1%
Warning	46%	23%	20%	6%	1%	1%	1%
Arrest	30%	28%	28%	2%	1%	1%	1%
Field Interview	44%	19%	29%	1%	1%	1%	1%



Probability of Stop Results by Perceived Race

Stop Result	White	Hispanic/Latino	Black/African American	Middle Eastern	Asian	Native American	Pacific Islander
Citation or Infraction	32%	13%	5%	5%	3%	1%	1%
Warning	9%	4%	4%	1%	1%	1%	1%
Arrest	3%	3%	3%	1%	1%	1%	1%
Field Interview	3%	1%	2%	1%	1%	1%	1%

Probability of Stop Result By Race



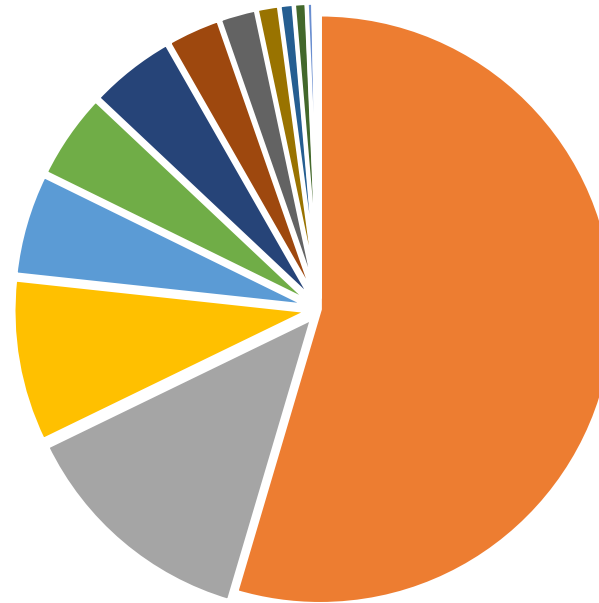


Santa Monica's 2022 RIPA ACTIONS Taken During a Stop

Actions Taken



Actions Taken During Stop
No Action - 72%
Curbside Detention - 17%
Searched Person - 12%
Handcuffed - 7%
Asked for Consent to Search Person - 6%
Property Search - 6%
Ask Consent to Search Property - 4%
Property Seizure - 3%
Ordered to Exit Vehicle - 2%
Patrol Car Detention - 1%
Field Sobriety - 1%
Other vehicle or physical contact - <1%
Vehicle Impounded - <1%
Firearm Pointed - <1%
Photographed - <1%



- No Action - 72%
- Curbside Detention - 17%
- Searched Person - 12%
- Handcuffed - 7%
- Asked for Consent to Search Person - 6%
- Property Search - 6%
- Ask Consent to Search Property - 4%
- Property Seizure - 3%
- Ordered to Exit Vehicle - 2%
- Patrol Car Detention - 1%
- Field Sobriety - 1%
- Other vehicle or physical contact - <1%
- Vehicle Impounded - <1%
- Firearm Pointed - <1%
- Photographed - <1%



Actions Taken by Perceived Race

Based on total number of stops

	No Search	Person Search	Property Search	Handcuffed	Curb/Car Detention
White	51%	35%	33%	37%	48%
Hispanic/Latino	22%	31%	33%	29%	20%
Black/ African American	13%	31%	33%	31%	27%
Middle Eastern	8%	1%	1%	1%	3%
Asian	4%	1%	0%	1%	1%
Pacific Islander	1%	0%	0%	0%	1%
Native American	0%	0%	1%	0%	0%

Based on total number of stops per race

	No Search	Person Search	Property Search	Handcuffed	Curb/Car Detention
White	75%	7%	3%	3%	13%
Hispanic/Latino	66%	12%	7%	5%	11%
Black/ African American	51%	15%	8%	7%	18%
Middle Eastern	90%	2%	1%	1%	6%
Asian	91%	3%	0%	1%	5%
Pacific Islander	73%	4%	0%	2%	21%
Native American	54%	8%	15%	8%	15%



If I am stopped,
what are my
chances of being
searched or
handcuffed or
detained on the
curb?

Importance of Demographics

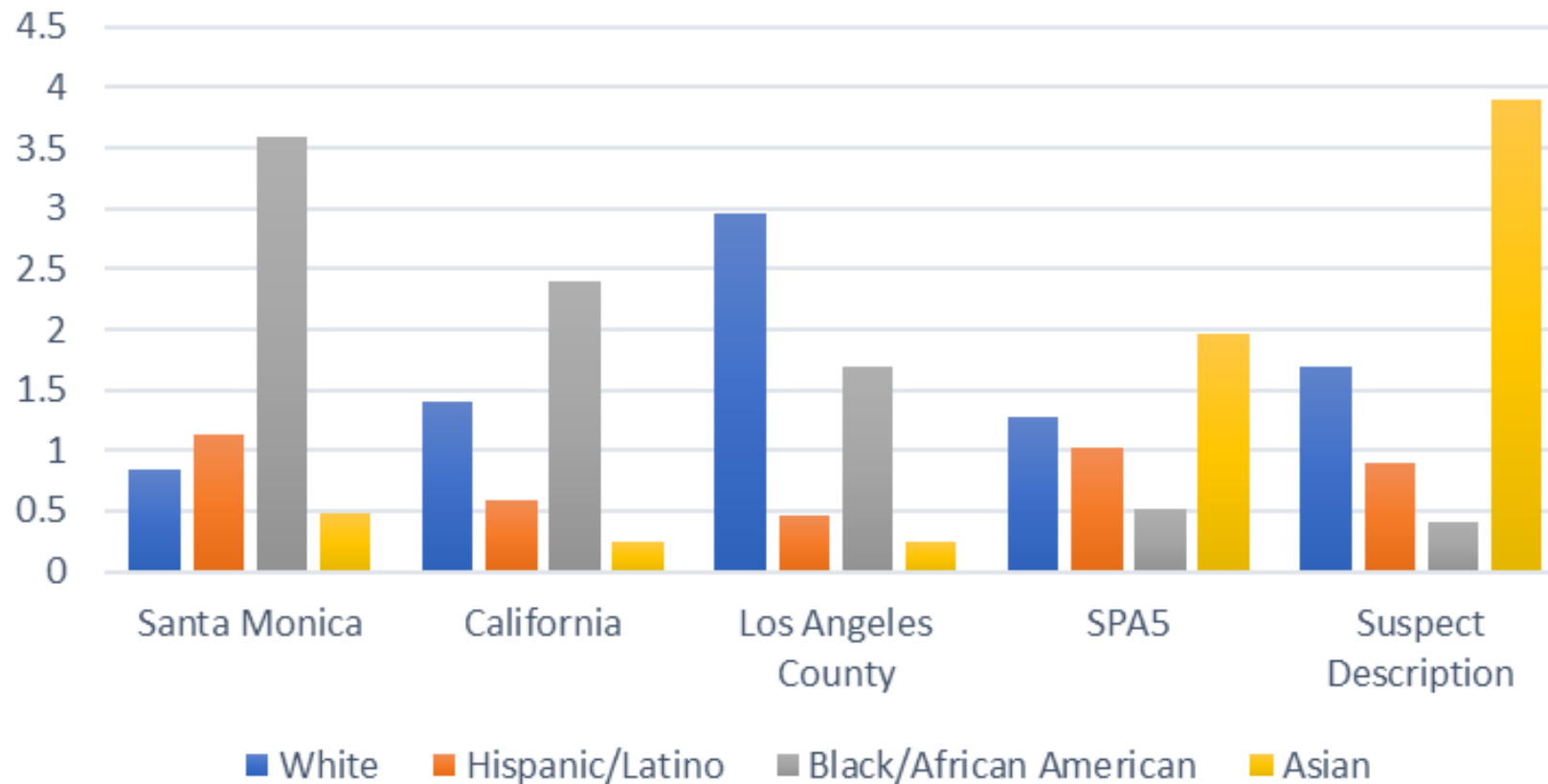


Race/ Ethnicity	% of total stops	% Santa Monica Population	% State Population	% LA County Population	% LA County Homeless Population- SPA 5
White	49.1	58.2	35.2	25.3	39
Hispanic/ Latino	23.3	20.7	40.2	49.1	23
Black/African American	15.4	4.3	6.5	9	30
Middle Eastern/ South Asian	7.3	Not Calculated	Not Calculated	Not Calculated	Not Calculated
Asian	3.8	8.1	15.9	15.6	2
Pacific Islander	0.7	0	0.5	0.4	0
Native American	0.15	0.2	1.7	1.5	2
Mixed Race	0.13	7.9	Not Calculated	Not Calculated	Not Calculated

Importance of Demographics



Probability of Stop by Race/Population





Pre-Text Stops

Definition of a Pretextual Stop



Pretext Stops Defined. A pretextual or pretext stop is one where officers use reasonable suspicion or probable cause of a minor traffic or code violation (e.g., Municipal Code or Health and Safety Code) as a pretext to investigate another, more serious crime that is unrelated to that violation.

A Pretext Stop is a Traffic Stop



Existing law authorizes a peace officer to make an arrest pursuant to a warrant or without a warrant if, among other circumstances, the officer has probable cause to believe that the person has committed a public offense in the officer's presence. Under existing law, it is unlawful to disobey the lawful order, signal, or direction of a uniformed peace officer performing any duties pursuant to the Vehicle Code or to refuse to submit to any lawful vehicular inspection authorized by the Vehicle Code.

This also applies to pedestrian and bicycle stops when the pedestrian or bicyclist is in violation of any penal code, vehicle code, municipal or other code that applies to those in the City of Santa Monica.

Why Limit Police Stops?



Social/Societal Impacts of a Traffic Stop – disparities in burden of stops on certain groups, intergenerational trauma, **negative community outcomes, lack of trust in law enforcement.**

Economic argument—Officers spending time enforcing low level violations through vehicle and pedestrian stops takes them away from enforcing and investigating more serious crimes.

How Officers Treat People Matters



HIRING	TRAINING	POLICY
Diversity	Procedural Justice	Legal
Education	Implicit Bias	Ethical
Maturity	Traffic Stops	Compassionate
Knowledge of the Community	De-escalation	

What Our Community Expects of Us



There are **five** generally accepted expectations that citizens in the United States have on the police:

- Protection of community members' rights
- Development of police as role models
- Support all the rules and laws of the community
- Develop solutions to community crime and disorder problems
- Respond to community members' non-crime needs

Our Responsibility to Public Safety



Enforces laws and maintains order; protects life and property; prevents crime, and actively contributes to the welfare of the community.

Traffic stops and pedestrian stops are tools the Supreme Court has specifically approved for use. We use them because they are effective in doing the work we were hired to do in the way the community has asked us to do it.

Purpose of SB 50



This bill would prohibit a peace officer from stopping or detaining the operator of a motor vehicle or bicycle for a low-level infraction, as defined, unless a separate, independent basis for a stop exists. The bill would authorize a peace officer who does not have grounds to stop a vehicle or bicycle, but can determine the identity of the owner, to send a citation or warning letter to the owner.

RIPA Board letter in Support of SB 50



Under the Racial and Identity Profiling Act of 2015 (RIPA), the Legislature established the RIPA Board as a nineteen-member state advisory board composed of civil rights advocates, clergy, academics, and law enforcement. The RIPA Board's primary duty is to review and analyze policies and practices as well as analyzing stop data and civilian complaint data in order to make recommendations geared to eliminate racial and identity profiling in California.

LAPD Policy limiting Traffic Stops



Policy.

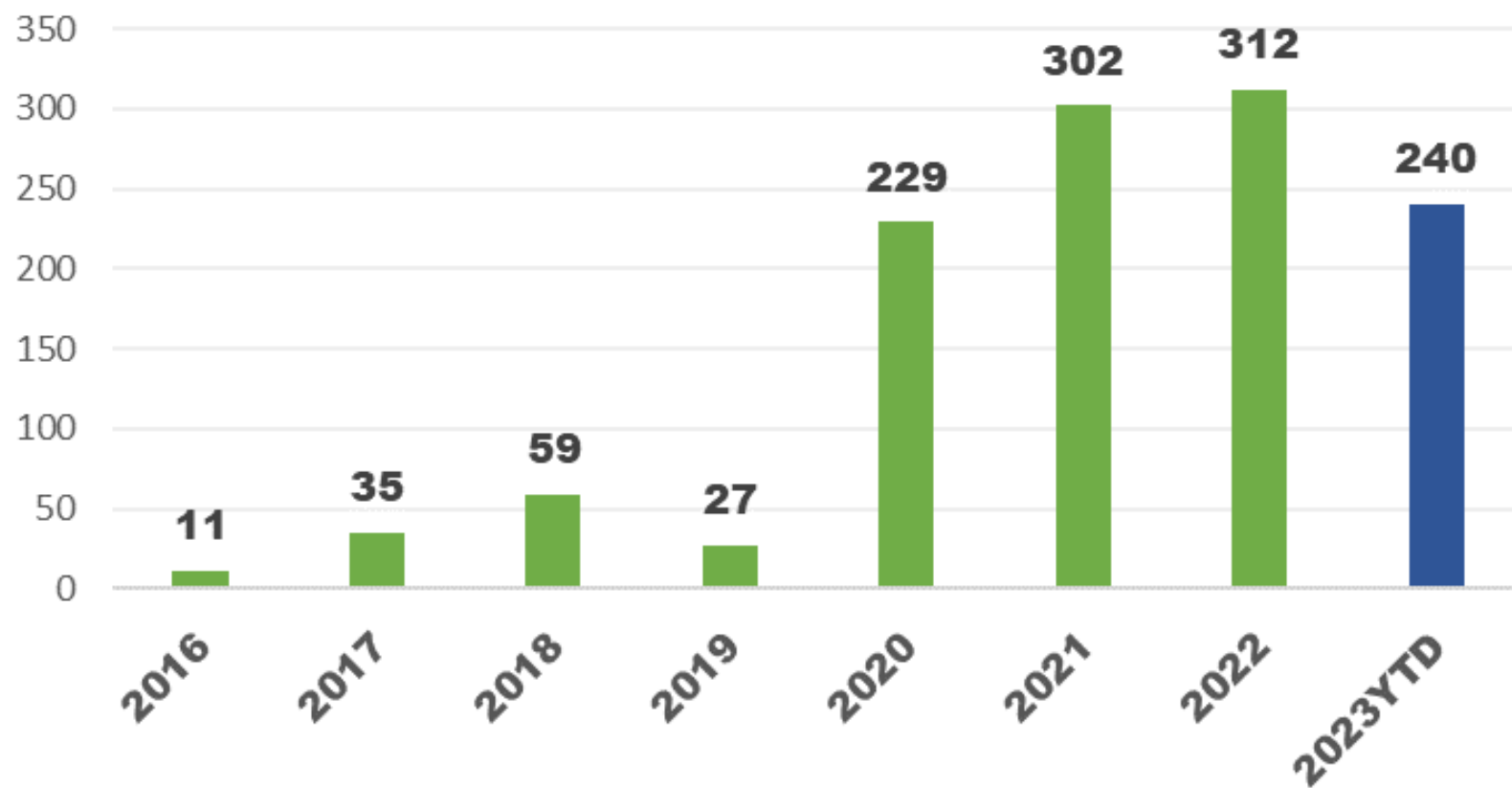
*Use of Traffic/Pedestrian Stops - General. Traffic or pedestrian stops made for the sole purpose of enforcing the Vehicle Code or other codes are intended to **protect public safety**. Therefore, officers should make stops for minor equipment violations or other infractions only when the officer believes that such a violation or infraction significantly interferes with public safety.*

LAPD Policy limiting Traffic Stops



***Pretext Stops – Restricted.** It is the Department's policy that pretextual stops shall not be conducted **unless** officers are acting upon articulable information in addition to the traffic violation, which may or may not amount to reasonable suspicion, regarding a serious crime (i.e., a crime with potential for great bodily injury or death), such as a Part I violent crime, driving under the influence (DUI), reckless driving, street racing, street takeovers, hit and run, human or narcotics trafficking, gun violence, burglary, or another similarly serious crime. Such decisions should not be based on a mere hunch or on generalized characteristics such as a person's race, gender, age, homeless circumstance, or presence in a high-crime location.*

CATALYTIC CONVERTER THEFT BY YEAR



2016- 2023 (YTD – 06/11/23)

Traffic Stops as Tools



HYPOTHETICALS:

Catalytic Converter Theft- SB 50 rules

Driving Under the Influence - LAPD rules

The RIPA Board's suggested amendment to SB 50



Disparities in Traffic Fatalities by Race

A recent study published in the *American Journal of Preventive Medicine* found:

- Non-Hispanic Blacks experience a passenger vehicle fatality rate **73% higher** than non-Hispanic whites
- Non-Hispanic Blacks experience a pedestrian (walking) death rate **118% higher** than non-Hispanic whites
- Non-Hispanic Blacks experience a cycling fatality rate **348% higher** than non-Hispanic whites

The disparities are even sharper when comparing fatality rates for pedestrian (walking) deaths occurring at night:

- Non-Hispanic Black pedestrians experience a fatality rate **236% higher** than non-Hispanic whites
- Hispanic or Latino pedestrians experience a fatality rate **84% higher** than non-Hispanic whites

Check & Balances- Reasonableness



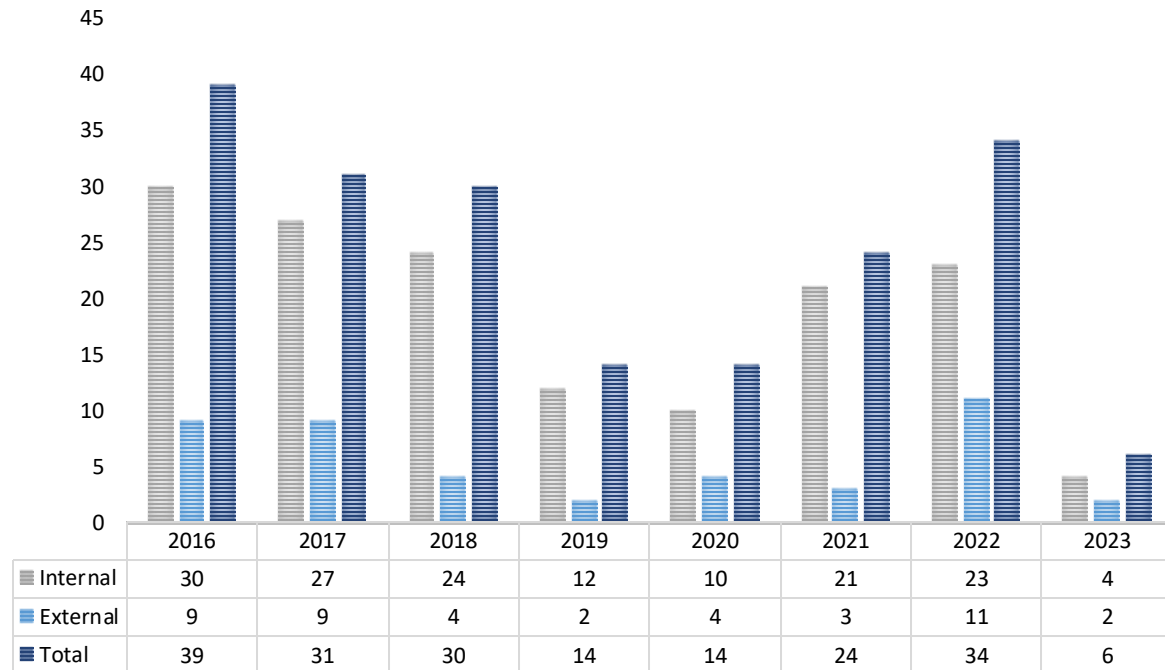
Policy and the application of
reasonableness

Case Law

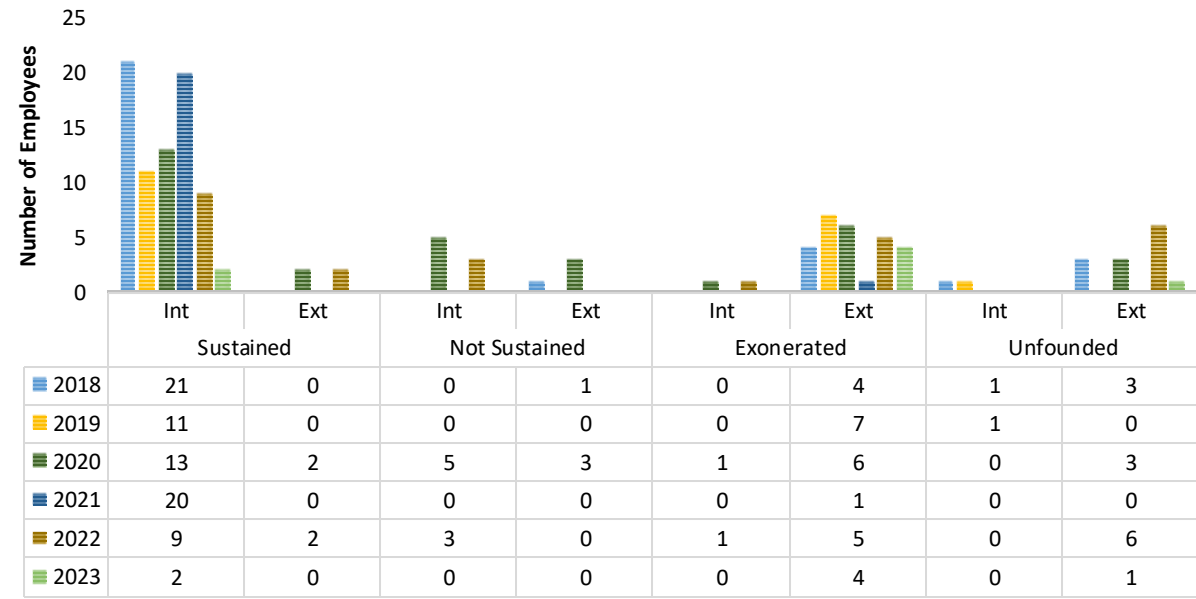
Check & Balances- Complaints



PERSONNEL COMPLAINTS



INTERNAL VS. EXTERNAL COMPLAINTS BY EMPLOYEES INVOLVED



It's about education, not restriction



Our aim is Legal, Ethical & Compassionate law enforcement that accounts for the ideals of 21st Century Policing, particularly Community Oriented Policing

Based on the relationship between police officers and the community we serve.



Questions

Contact Info:

Lieutenant Erika Aklufi
Office of the Chief of Police
(310) 458-8493
erika.aklufi@santamonica.gov